

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
: Examiner: Sy D. Luu  
CAMERON BOLITHO BROWNE, et al. )  
: Group Art Unit: 2174  
Application No.: 10/734,222 )  
: Confirmation No. 8645  
Filed: December 15, 2003 )  
:  
For: METHOD AND APPARATUS )  
FOR IMAGE METADATA )  
ENTRY ) October 24, 2008

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE  
AND  
REQUEST TO WITHDRAW ERRONEOUS NOTICE OF NON-COMPLIANT  
AMENDMENT

Sir:

Applicants received a Notice Of Non-Compliant Amendment (37 C.F.R.  
§ 1.121) dated September 30, 2008. Applicants respectfully submit that the Notice was  
issued erroneously, and should be withdrawn.

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October 24, 2008  
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/Shant Tchakerian #61,825/ October 24, 2008  
Signature Date of Signature

More particularly, the Notice alleges that the use of strike-through to show the deletion of five or fewer characters does not comply with 37 CFR 1.121. According to the Notice, to indicate such a deletion, double-brackets are required. Applicants respectfully disagree.

The use of double-brackets is permitted, but it is not mandatory. 37 CFR 1.121 states that “double brackets placed before and after the deleted characters **may** be used to show deletion of five or fewer consecutive characters.” Thus, 37 CFR 1.121 states that the use of double brackets is optional.

In this regard, the use of strike-through to show the deletion of five or fewer characters is believed to comply with 37 CFR 1.121. Accordingly, it is clear that the Notice was issued erroneously, that the Amendment dated January 3, 2008 was fully compliant, and that the Notice should be withdrawn.

Nevertheless, and in the interest of advancing prosecution, the claims have been reformatted to show deletion of five or fewer consecutive characters using double brackets.

Accordingly, reconsideration of the Amendment dated January 3, 2008, and further examination, are respectfully requested.